

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACOBO MONTALVO,

Plaintiff,

Case No. 1:24-cv-1350

v.

HON. JANE M. BECKERING

STEVEN A. FREEMAN, et al.,

Defendants.

_____ /

ORDER

This is a civil action filed by a *pro se* litigant. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 6) on January 6, 2025, recommending that the Court dismiss Plaintiff's complaint without prejudice for lack of subject matter jurisdiction or, alternatively, that Plaintiff's complaint be dismissed with prejudice for failure to state a claim, and recommending that an appeal would not be taken in good faith. The Report and Recommendation was duly served on Plaintiff.¹ No objections have been filed.² See 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF. No. 6) is APPROVED and ADOPTED as the Opinion of the Court, and Plaintiff's complaint is DISMISSED WITH PREJUDICE for failure to state a claim.

¹ Plaintiff is the only party that has appeared in the case at this time.

² The Court has received a letter from Plaintiff, which is dated January 12, 2025 and which was postmarked on January 28, 2025 (ECF No. 8). Plaintiff's letter does not reference, nor object to, the Report and Recommendation. Because, as the Magistrate Judge concluded, the Court lacks subject jurisdiction and because Plaintiff's complaint fails to state a claim on which relief may be granted, the Court is unable to grant Plaintiff any relief that he requests in his letter. In other words, because the Court dismisses Plaintiff's case, Plaintiff's letter is moot.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of the Judgment would not be taken in good faith.

A Judgment will be entered consistent with this Order.

Dated: February 11, 2025

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge